



INTERIOR BOARD OF INDIAN APPEALS

Robert Andreas, et al. v. Acting Phoenix Area Director, Bureau of Indian Affairs

20 IBIA 98 (06/26/1991)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

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| ROBERT ANDREAS, et al., | : | Order Dismissing Appeal |
| Appellants | : | |
| | : | |
| v. | : | |
| | : | Docket No. IBIA 91-41-A |
| ACTING PHOENIX AREA DIRECTOR, | : | |
| BUREAU OF INDIAN AFFAIRS, | : | |
| Appellee | : | June 26, 1991 |

Appellants Robert Andreas, Buster Davis, Jeanne Marie Davis Torres, Rhonda Davis, and Edward H. Davis hold undivided trust interests in Allotment WR-74 on the Walker River Reservation. They sought to convey their interests in trust to Rosemary Dawson Pennebaker, a member of the Cherokee Nation of Oklahoma. By letter of November 16, 1990, the Acting Phoenix Area Director, Bureau of Indian Affairs, advised appellants that they must first seek the consent of the Walker River Paiute Tribe, as required by 25 CFR 151.8. ^{1/}

Appellants appealed the Acting Area Director's letter to the Assistant Secretary - Indian Affairs, who transferred it to the Board in accordance with BIA appeal procedures in 25 CFR Part 2.

Briefs have been filed by appellants and the Area Director. On June 24, 1991, however, the Board received a motion from appellants, seeking to withdraw their appeal without prejudice, in order to request the consent of the tribe under 25 CFR 151.8.

In accordance with appellants' request, and pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed without prejudice.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

^{1/} 25 CFR 151.8 provides: "An individual Indian or tribe may acquire land in trust status on a reservation other than its own only when the governing body of the tribe having jurisdiction over such reservation consents in writing to the acquisition."